IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29983 of 2007(T)

PETITIONER:

R.GIRIJA, W/O.K.R.BALACHANDRAN,
SUDARSAN, THEVALLY, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. THE TRIBUNAL FOR THE LOCAL SELF GOVERNMENT INSTITUTIONS, GOVERNMENT OF KERALA, PETTAH, THIRUVANANTHAPURAM.

2. THE KOLLAM CORPORATION REPRESENTED BY ITS SECRETARY, KOLLAM CORPORATION OFFICE, KOLLAM.

3. THE KOLLAM CORPORATION COUNCIL REPRESENTED BY ITS CHAIRMAN, STANDING COMMITTEE KOLLAM CORPORATION, KOLLAM DISTRICT.

R2 & R3 BY ADV.SRI.M.K.CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.29983 OF 2007

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DATED THIS THE 9TH OCTOBER, 2007

J U D G M E N T

Notice is taken on behalf of Mr.M.K.Chandramohan Das, Standing Counsel for the Corporation.

2. Heard the submissions of Sri.B.Mohan Lal, counsel for the petitioner and the submissions on behalf of Mr.M.K.Chandramohan Das, Standing Counsel for the Corporation.

3. Having regard to the submissions, I am of the view that on the facts which attend on this case, there is justification for directing the Tribunal to entertain the appeal/revision preferred by the petitioner against Ext.P9 on certain conditions. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

The 1st respondent will register and entertain the appeal/revision preferred by the petitioner against Ext.P9 notwithstanding the apparent delay and notwithstanding the non-payment of the full demand as per Ext.P9, provided the following conditions are complied with by the petitioner:-

The petitioner will remit a sum of Rs.10,000/- towards the demand, without prejudice to her contentions

in the appeal/revision, with the 2nd respondent within three weeks from today and produce the receipt before the 1st respondent. Once the receipt as directed above is produced, the Tribunal will register the appeal/revision and dispose of the same in accordance with law.

It is clarified that this order will not be misunderstood as a reflection on the merits of the grounds. It is also clarified that it will be open to the petitioner to urge all the grounds including the ground that the demand is totally unsustainable and illegal.

(PIUS C.KURIAKOSE, JUDGE)

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